

**MINUTES**  
**Special Session of the College Park City Council**  
**Tuesday, October 18, 2016**  
**Council Chambers**  
**#1: 7:38 p.m. – 7:40 p.m.**  
**#2: 9:45 p.m. – 9:50 p.m.**

**PRESENT:** Mayor Wojahn; Councilmembers Kabir (arrived at 7:45 p.m.), Nagle, Brennan, Dennis, Stullich (arrived at 7:44 p.m.), Day, Kujawa and Cook.

**ABSENT:** None.

**ALSO PRESENT:** Scott Somers, City Manager; Bill Gardiner, Assistant City Manager; Janeen Miller, City Clerk; Suellen Ferguson, City Attorney; Terry Schum, Director of Planning; Bob Ryan, Director of Public Services; Miriam Bader, Senior Planner.

#1: During a regularly scheduled Worksession of the College Park City Council, a motion was made by Councilmember Brennan and seconded by Councilmember Day to enter into a Special Session. The possibility of this special session was listed on the Worksession agenda. With a vote of 6 – 0 – 0, the Council entered Special Session at 7:38 p.m.

**Action Item:**

**16-G-122 Property Use Agreement for Milkboy+Arthouse**

Ms. Ferguson said we received confirmation today that the Property Use Agreement that we proposed is acceptable to the applicant.

**A motion was made by Councilmember Nagle and seconded by Councilmember Brennan that the City not oppose the issuance of a new Class B (BLX) Beer, Wine and Liquor License for the use of Milkboy College Park, LLC t/a Milkboy & Arthouse, subject to the applicant entering into a Property Use Agreement (PUA) with the City in substantially the form attached; authorize the City Manager to sign the PUA; and authorize staff to testify to the City's position at the BOLC hearing**

There were no comments from the audience.

Councilmember Day asked if there was a reason the motion maker said “not oppose” instead of “support” the application. Councilmember Nagle said this application is different than others we have had and there are a lot of unknowns, particularly not having a food to alcohol ratio.

**The motion passed 6 – 0 – 0.**

**Adjourn:** A motion was made by Councilmember Dennis and seconded by Councilmember Brennan to adjourn from the Special Session, and with a vote of 6 – 0 – 0, Mayor Wojahn adjourned the Special Session at 7:40 p.m.

#2: During a regularly scheduled Worksession of the College Park City Council, a motion was made by Councilmember Dennis and seconded by Councilmember Day to enter into a Special Session. The possibility of this special session was listed on the Worksession agenda. With a vote of 8 – 0 – 0, the Council entered Special Session at 9:45 p.m.

**Action Item:**

**16-G-130      Approval of a City position that an applicant shall not use City occupancy permits to justify an increase in density on 4210, 4212, 4214 and 4216 Knox Road**

Ms. Ferguson said the City received a notice from the Zoning Hearing Examiner's office regarding four of the Knox Box properties that are authorized to have two units, but where a third unit was added in the basement without any building permits or any Use and Occupancy Permits. Through a County procedure, the owner of the four properties has now filed to use the City's Occupancy Permit to try to get the County U&O for three units. We have not seen this before. Staff recommendation is to oppose the use of the City's occupancy permit to justify this increase in density for the County permit.

**A motion was made by Councilmember Dennis and seconded by Councilmember Day to oppose applications for Validation of Permits Issued in Error Nos. 14-00000964, 14-00002553, 15-00000961 and 15-00001224, regarding 4210, 4212, 4214, and 4216 Knox Road, owned by Manucher Bahrami, under §27-258 of the Prince George's County Zoning Ordinance, on the basis that the applicant seeks to use City occupancy permits to justify an increase in density on the properties, and to authorize City representatives to appear at the hearing on this matter, now set for October 26, 2016, to present the City's position.**

Councilmember Nagle asked how this has gone on for decades and is just now coming to our attention.

Ms. Ferguson said the basement units have been illegal for a long time but that the City has no control over the number of units; the County controls that through the zoning ordinance. The City's Rental Occupancy Permit is based on an inspection for health and safety issues. Our concern is that our permit is being used by another government for purposes other than which it was intended.

Councilmember Cook wondered what the zoning rewrite would have to say about Non-Conforming Uses and asked if we should vote on this now. Mr. Ryan said that 12 – 14 years ago, the City was delegated the responsibility of enforcing the County zoning laws. Since then we have found buildings throughout the city that do not have their County Use and Occupancy Permit and we give them notice to obtain their U&O from the County. Ms. Schum said these can't be certified as a legally Non Conforming Use because that third unit is illegal.

Mayor Wojahn said the hearing date on this application is October 26. Ms. Schum said the new zoning rewrite won't be effective for years.

Councilmember Nagle doesn't see this as a request to increase density; it is a request to correct an error. The existing condition is three units. She doesn't think this will set a precedent or cause any harm.

Councilmember Stullich is concerned about the potential to set a precedent.

**The motion passed 6 – 2 – 0 (Councilmembers Cook and Nagle opposed).**

**Adjourn:** A motion was made by Councilmember Brennan and seconded by Councilmember Day to exit from the Special Session, and with a vote of 8 – 0 – 0, Mayor Wojahn adjourned the Special Session at 9:50 p.m.

---

Janeen S. Miller, CMC  
City Clerk

---

Date  
Approved